



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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KERRY HEALEY
Lieutenant Governor

213123

ELLEN ROY HERZFELDER
Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

February 2, 2005

Via U.S. Mail

The Honorable Vernon A. Williams
Secretary, Surface Transportation Board
1925 K Street, NW
Washington, DC 20423



Re: Petition for Exemption of New England Transrail LLC
STB Finance Docket No. 34391-0

Dear Secretary Williams:

The Department of Environment Protection (the "Department") wishes to respond to the Town of Wilmington's *Petition to Remand Proceeding to Section of Environmental Analysis, to Reject the Post Environmental Assessment, or in the Alternative, to Revoke Exemption Based Upon Misleading Information* filed in the above-captioned action. It is the Department's understanding that it has 20 days to respond to this pleading in accordance with 49 CFR 1104.13 and therefore the Department is preparing a response to the pleading which it expects to file within that time.

Please do not hesitate to contact me with any questions you may have.

Thank you for your consideration.

ENTERED
Office of Proceedings

FEB 10 2005

Part of
Public Record

Sincerely,

Margaret Stolf,
General Counsel

cc. James Colman, Assistant Commissioner Massachusetts DEP
Victoria Rutson, Chief, Section of Environmental Analysis
James Milkey, Massachusetts Office of Attorney General

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Department of Environmental Protection's letter indicating it wishes to respond to the Town of Wilmington's *Petition to Remand Proceeding to Section of Environmental Analysis, to Reject the Post Environmental Assessment, or in the Alternative, to Revoke Exemption Based Upon Misleading Information* was served this day via first class mail upon the following:

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February 2, 2005


Margaret Stolfa
General Counsel